

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: January 19-20, 2005

Reference No.: 2.1a.(4)  
Action Item

From: CINDY McKIM  
Chief Financial Officer

Prepared by: Ross A. Chittenden  
Division Chief  
Transportation Programming

Ref: **STIP AMENDMENT 04S-010**

The Orange County Transportation Authority (OCTA) is requesting the California Transportation Commission (Commission) approve this State Transportation Improvement Program (STIP) amendment. This amendment was noticed at the December 2004 Commission meeting. There were no questions on the Notice, and the Commission placed the Action Item on the consent calendar for the January 2005 meeting.

**Action Update:** Page 2 of this amendment has been modified to include additional information clarifying the use of Regional Surface Transportation Program funds and Congestion Mitigation and Air Quality Program funds as "local funds."

OCTA requests the Commission approve this amendment for AB 3090 Replacement. OCTA will use local federal funds to replace \$19,043,000 in Regional Improvement Program (RIP) funds programmed for Right of Way (R/W) and R/W Support on the Imperial Highway Grade Separation project (PPNO 4434) and program a total of \$19,043,000 in RIP funds in FY 2006-07 for a replacement project (PPNO 4434A) to be identified at a later date.

## **RECOMMENDATION**

The Department of Transportation (Department) recommends the AB 3090 request be approved pending OCTA's agreement that both the date and schedule of replacement are subject to the availability of funds.

**BACKGROUND**

The Commission's policy on AB 3090 encourages local agencies to use local funds to advance projects programmed in the STIP. OCTA proposes to accelerate delivery of R/W using local federal funds and to program a replacement project in the STIP, in accordance with the Commission's policy that gives preference to programming AB 3090 Replacement projects over AB 3090 direct reimbursement arrangements. The specific AB 3090 Replacement project will be amended into the STIP at a later date.

This project is currently programmed with RIP funds of \$20,236,000 for R/W and \$2,800,000 for R/W Support in FY 2001-02. To ensure that this project continues to move forward, OCTA is proposing to replace \$19,043,000 of the programmed R/W (\$17,452,000 in R/W Capital and \$1,591,000 in R/W Support), with the same amount of Regional Surface Transportation Program (RSTP) funds. Of the remaining programmed R/W, \$2,500,000 will be used as non-federal match for the RSTP funds.

**RESOLUTION**

**Resolved, that the California Transportation Commission (Commission) finds that the use of RSTP or Congestion Mitigation and Air Quality (CMAQ) program funds by a Metropolitan Planning Organization, County Transportation Commission, or Regional Transportation Planning Agency receiving an apportionment of those funds under state law constitutes a use of the agency's "own funds" only for the purpose of Government Code section 14529.7, commonly referred to as an AB 3090 arrangement. It is the Commission's policy that, where RSTP or CMAQ funds are the identified local source of "own funds" to deliver a STIP project under an AB 3090 arrangement, the Commission will consider approval only for an AB 3090 Replacement Project [Government Code section 14529.7(a)] and not for a cash reimbursement [Government Code section 14529.7(b)]. This policy is consistent with the Commission's Statement of Policy for Approval of AB 3090 Replacement Projects or Direct Cash Reimbursements (Resolution G-03-02) and its Advance Local Funding and Reimbursement Guidelines, AB 3090 (Resolution G-02-13); and**

Be it further resolved, that the Commission revise the 2004 State Transportation Improvement Program at the end of the 30-day notice period as follows:

**Revises:**

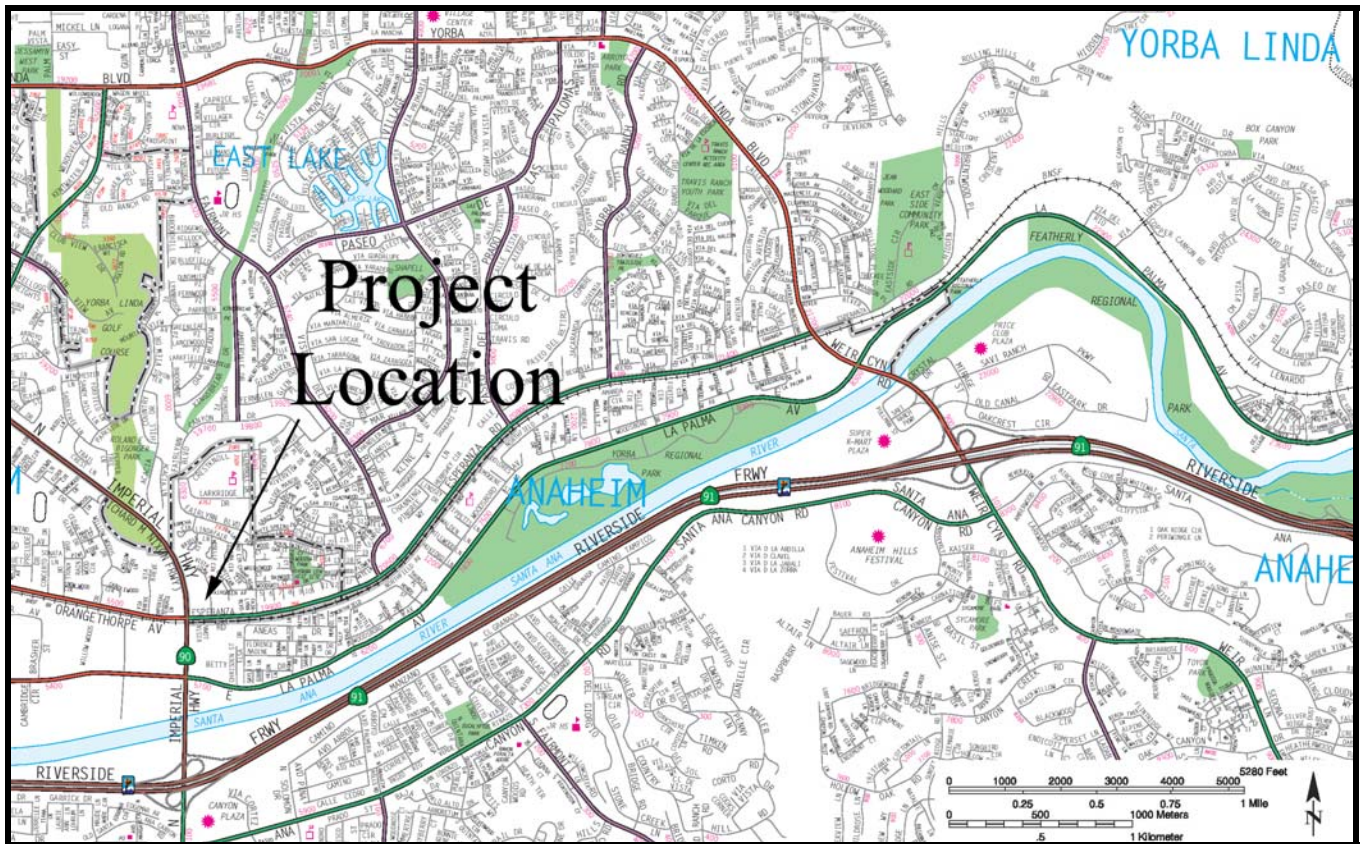
County	District	PPNO	EA	Element	Const. Year	PM Back	PM Ahead	Route/Corridor						
Orange	12	4434	56200	CO	2005-06	11.8	12.4	90						
Implementing Agency: (by component)	PA&ED					PS&E								
	R/W					CON								
RTPA/CTC:	Orange County Transportation Authority (OCTA)													
Project Title:	Imperial Highway Grade Separation													
Location	Yorba Linda and Anaheim - at Orangethorpe Avenue and at Esperanza Road													
Description:	Construct grade separation													
(DOLLARS IN THOUSANDS)														
FUND	TOTAL	Project Totals by Fiscal Year						Project Totals by Component						
		Prior	04/05	05/06	06/07	07/08	08/09	R/W	CON	PA&ED	PS&E	R/W Supp	CON Supp	
RIP														
Existing	57,026	29,036		27,990				20,236	24,090	2,000	4,000	2,800	3,900	
Change	(19,043)	(19,043)		0				(17,452)	0	0	0	(1,591)	0	
Proposed	37,983	9,993		27,990				2,784	24,090	2,000	4,000	1,209	3,900	
Regional Surface Transportation Program (RSTP)														
Existing	0		0					0				0		
Change	19,043		19,043					17,452				1,591		
Proposed	19,043		19,043					17,452				1,591		
Demo														
Existing	1,741			1,741					1,741					
Change	0			0					0					
Proposed	1,741			1,741					1,741					
Total														
Existing	58,767	29,036	0	29,731				20,236	25,831	2,000	4,000	2,800	3,900	
Change	0	(19,043)	19,043	0				0	0	0	0	0	0	
Proposed	58,767	9,993	19,043	29,731				20,236	25,831	2,000	4,000	2,800	3,900	

**And Adds:**

County	District	PPNO	EA	Element	Const. Year	PM Back	PM Ahead	Route/Corridor					
Orange	12	4434A	--	LA	2006-07	--	--	--					
Implementing Agency: (by component)	PA&ED				PS&E								
	R/W				CON								
RTPA/CTC:	Orange County Transportation Authority (OCTA)												
Project Title:	AB 3090 Replacement Project (Imperial Highway Grade Separation)												
Location	AB 3090 Replacement Project												
Description:	AB 3090 Replacement Project												
(DOLLARS IN THOUSANDS)													
FUND	TOTAL	Project Totals by Fiscal Year						Project Totals by Component					
		Prior	04/05	05/06	06/07	07/08	08/09	R/W	CON	PA&ED	PS&E	R/W Supp	CON Supp
RIP													
Existing	0				0				0				
Change	19,043				19,043				19,043				
Proposed	19,043				19,043				19,043				
Total													
Existing	0				0				0				
Change	19,043				19,043				19,043				
Proposed	19,043				19,043				19,043				

**STIP AMENDMENT 04S-010**

Location Map



12 - Orange

PPNO 4434

Location: Yorba Linda and Anaheim – at  
Orangethorpe Avenue and Esperanza  
Road.

Description: Construct grade separation.

